

# Senate File 429 - Introduced

SENATE FILE 429

BY RAGAN, MATHIS, JOCHUM,  
BOLKCOM, and BOULTON

(COMPANION TO HF 118 BY  
WESSEL-KROESCHELL)

## A BILL FOR

- 1 An Act relating to the office of the state long-term care
- 2 ombudsman, and making an appropriation.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231.42, Code 2021, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 14. *Protocol for operation.* The provision  
4 of high-quality advocacy for and responsive assistance to  
5 residents and tenants of long-term care facilities, assisted  
6 living programs, and elder group homes in the state is a  
7 fundamental and critical role of state government. To ensure  
8 that responsive and high-quality services are being provided,  
9 the office of long-term care ombudsman shall do all of the  
10 following:

11 a. On at least a quarterly basis, hold either in-person or  
12 in-person-via-video meetings with all staff including local  
13 long-term care ombudsmen to discuss workloads, policies and  
14 procedures, accomplishments, and concerns; obtain suggestions;  
15 generate ideas to improve service; foster communication; and  
16 encourage teamwork.

17 b. Assign cases to local long-term care ombudsmen based on a  
18 geographic territory to enable more effective and efficient use  
19 of resources including making unscheduled noncomplaint-related  
20 visits, responding to resident and tenant inquiries and  
21 complaints, and developing a familiarity with long-term care  
22 facilities, assisted living programs, elder group homes,  
23 administrators, staff, residents, tenants, and certified  
24 volunteers in the assigned geographic territory.

25 c. Establish a policy and process to ensure that each local  
26 long-term care ombudsman makes unscheduled noncomplaint-related  
27 visits to a minimum of twenty percent of the long-term care  
28 facilities, assisted living programs, and elder group homes in  
29 the assigned geographic territory, annually.

30 d. Implement a policy that ensures that the response to  
31 resident and tenant inquiries is in the manner preferred by  
32 the resident or tenant and that all visits are completed  
33 in a timely manner. The policy shall provide that if a  
34 resident or tenant prefers inquiries via phone or the use of  
35 technology, a local long-term care ombudsman shall ensure that

1 assistance is provided in a manner that is comfortable to and  
2 convenient for the resident or tenant while assuring privacy  
3 and confidentiality.

4 e. Ensure the existence and maintenance of a vibrant  
5 certified volunteer long-term care ombudsman program by  
6 increasing the numbers of, support to, and communications with  
7 Iowans wishing to perform this vital service. The program  
8 shall ensure that certified volunteers work closely with local  
9 long-term care ombudsmen within the same geographic territory  
10 to share information and insights, coordinate efforts, and  
11 enhance services to residents and tenants.

12 f. Provide necessary vehicles and coverage of related  
13 expenses to local long-term care ombudsmen to properly fulfill  
14 their duties.

15 NEW SUBSECTION. 15. *Organizational structure.* The office  
16 of long-term care ombudsman shall not pursue or issue a  
17 request for proposals or utilize any other process to modify  
18 the organizational structure of the office or to outsource  
19 duties or staffing of the office without prior visible and  
20 effective notice to and input from the public, and without  
21 prior conversation and consultation with staff members,  
22 certified volunteers, advocates for older Iowans and Iowans  
23 with disabilities and the paid and informal caregivers who  
24 support them, organizations representing long-term care  
25 facilities, assisted living programs, and elder group homes,  
26 unions representing staff of the office, the commission, and  
27 the members of the general assembly's joint appropriations  
28 subcommittee on health and human services.

29 Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN —  
30 APPROPRIATION.

31 1. There is appropriated from the general fund of the  
32 state to the office of long-term care ombudsman for the fiscal  
33 year beginning July 1, 2021, and ending June 30, 2022, in  
34 addition to any other funds appropriated from the general  
35 fund of the state to, and in addition to any other full-time

1 equivalent positions authorized for, the office of long-term  
 2 care ombudsman for the same purpose, the following amount, or  
 3 so much thereof as is necessary, to be used for the purpose  
 4 designated:

5 To increase the number of local long-term care ombudsmen  
 6 including for salaries, support, administration, maintenance,  
 7 and miscellaneous purposes, and for not more than the following  
 8 full-time equivalent positions:

9 .....	\$	173,486
10 .....	FTEs	2.00

11 2. The funding appropriated and the full-time equivalent  
 12 positions authorized under this section are in addition to any  
 13 other funds appropriated from the general fund of the state  
 14 and any other full-time equivalent positions authorized for  
 15 local long-term care ombudsmen during the same fiscal year.  
 16 A sufficient portion of the funding appropriated under this  
 17 section shall be used to provide a vehicle and other support  
 18 for each of the additional local long-term care ombudsmen to  
 19 assist in fulfilling their duties pursuant to chapter 231.

#### 20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with  
 22 the explanation's substance by the members of the general assembly.

23 This bill relates to the office of state long-term care  
 24 ombudsman.

25 The bill establishes protocol for operation of the office  
 26 of long-term care ombudsman (OLTCO). The OLTCO consists  
 27 of the state long-term care ombudsman, any local long-term  
 28 care ombudsmen, and any certified volunteer long-term care  
 29 ombudsmen. The bill requires the office to, on at least a  
 30 quarterly basis, hold either in-person or in-person-via-video  
 31 meetings with all staff; assign cases to local long-term  
 32 care ombudsmen based on a geographic territory to enable  
 33 more effective and efficient use of resources; establish a  
 34 policy and process to ensure that each local long-term care  
 35 ombudsman makes unscheduled noncomplaint-related visits to

1 a minimum of 20 percent of the long-term care facilities,  
2 assisted living programs, and elder group homes in the assigned  
3 geographic territory, annually; implement a policy that ensures  
4 that the response to resident and tenant inquiries is in  
5 the manner preferred by the resident or tenant and that all  
6 visits are completed in a timely manner; ensure the existence  
7 and maintenance of a vibrant certified volunteer long-term  
8 care ombudsman program; and provide necessary vehicles and  
9 coverage of related expenses to local long-term care ombudsmen  
10 to fulfill their duties. The bill also prohibits the OLTCO  
11 from pursuing or issuing a request for proposals or other  
12 process to modify the organizational structure of the office  
13 or to outsource duties or staffing of the office without prior  
14 visible and effective notice to and input from the public, and  
15 without prior conversation and consultation with specified  
16 persons. The bill makes an appropriation from the general fund  
17 of the state to the OLTCO for FY 2021-2022, in addition to any  
18 other funds appropriated from the general fund of the state to,  
19 and in addition to any other full-time equivalent positions  
20 authorized for, the OLTCO for the same purpose, for the purpose  
21 of increasing the number of local long-term care ombudsmen.  
22 The funding appropriated and the full-time equivalent positions  
23 authorized are in addition to any other funds appropriated  
24 from the general fund of the state and any other full-time  
25 equivalent positions authorized for local long-term care  
26 ombudsmen during the same fiscal year. A sufficient portion  
27 of the funding appropriated shall be used to provide a vehicle  
28 and other support for each of the additional local long-term  
29 care ombudsmen to assist in fulfilling their duties pursuant to  
30 Code chapter 231.